

Appendix 1

**MEMORANDUM OF UNDERSTANDING ON CONSULAR PROTECTION OF  
MEXICAN AND UNITED STATES NATIONALS**

The Government of the United Mexican States and the Government of the United States of America,

Considering their firm commitment to respect the human rights of all individuals within their respective territories;

Considering their firm will to strengthen and enhance their relationships in all areas, within the spirit of good neighbors and mutual respect;

Considering the need to continue to foster and strengthen the effective relationships and communications among consular officials and local authorities of both countries, within the spirit of the Consular Convention between the two Governments and the Vienna Convention on Consular Relations;

Considering that the Working Group on Migration and Consular Affairs of the Binational Commission has proven to be an effective forum to discuss and exchange information on the migratory phenomenon between the two countries, as well as to agree on measures that serve the interest of both nations;

Considering the will of both Governments to strengthen the Border Liaison Mechanisms and the Consultation Mechanisms on Immigration and Naturalization Service Activities and Consular Protection, which have been recently established for, among other purposes, sharing information concerning migratory practices and procedures by authorities on both sides of the border, and resolving problems at the local level, including issues related to the protection of human rights;

Considering the interest of both Governments in preventing situations that negatively affect the physical safety, dignity and human rights of their nationals within the territory of the other country, and the importance of having adequate institutional mechanisms to effectively address those situations when they might occur,

Adopt the following principles and measures:

To include within the mandate of the Working Group on Migration and Consular Affairs of the Binational Commission, the discussion and evaluation of issues, problems and trends related to the consular protection and human rights of nationals of both countries and the understandings expressed in this memorandum as regular matters on its agenda, in order to make recommendations to the respective Governments, if mutually agreed upon.

To provide any individual detained by migration authorities with notice of his/her legal rights and options, including the right to contact his/her consular representatives, and to facilitate communication between consular representatives and their nationals. Both Governments will endeavor, consistent with the relevant laws of each country, to ensure that specific notification to consular representatives is given in cases involving the detention of minors, pregnant women and people at risk.

To endeavor to provide settings conducive to full and free exchange between the consular representatives and detained individuals in order to allow, consistent with the relevant laws of each country, consular officials to interview their respective nationals when they are detained, arrested, incarcerated or held in custody in accordance with Article VI, paragraph 2, section (c) of the Consular Convention between the United Mexican States and the United States of America of August 12, 1942, and in accordance with Article 36, first paragraph, of the Vienna Convention on Consular Relations of 1963.

## Appendix 2

5.3.9 Appearance by Consular Representative. In cases where a parent or minor is a citizen of a foreign nation, the Consul and/or an attorney or representative of the Consul of that nation shall have the right to appear and participate in the Court proceedings to the extent such is provided for by international agreement to which the United States is a signatory. (Effective 7/1/08)